



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

November 27, 2007

Reply to the attention of Simone Rivers
ALC File: ZZ-37035

Daniel Boughton
691 Seymour Street
Kamloops, BC V2C2H1

Dear Mr. Boughton:

Re: Request for Reconsideration

This is further to the letter from Lee Dodds of September 6, 2007 in which he asked the Provincial Agricultural Land Commission to reconsider Resolution #70/2007 on your behalf as well as further correspondence and communication between Mr. Dodds, and yourself and Commission staff.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 611/2007 outlining its latest decision.

If you wish to proceed according to the decision outlined, please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink that reads 'Simone Rivers'. The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (ALR-P-100)

Enclosure: Minutes/Sketch Plan



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 7, 2007 at Quesnel City Hall, Quesnel, B.C.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff

For Consideration

Application: # ZZ- 37035
Applicant: Daniel Boughton
Agent: R G (Bob) Holtby
Proposal: To alter the consolidation condition required by Resolution # 70/2007. The applicant is proposing to consolidate two smaller properties.
Legal: PID: 024-893-722
Lot 1, District Lot 330, Section 14, Township 22, Range 17, Kamloops Division of Yale District Section 22 and 23, Township 22, Range 17, W6M, Kamloops Division of Yale District, Plan KAP67769
Location: North of Clarke Road, Kamloops

Site Inspection

Commissioners Huffman and Campbell recalled their visit to the property on November 21, 2006. A subsequent site inspection was not conducted.

Commissioner Eligible to Vote

Commissioner G. Gillette was not present at the site inspection, but was provided with a summary of the meeting thus establishing his eligibility to vote on the application.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

The Commission recalled Resolution # 70/2007 in which it allowed the creation of a total of six lots subject to conditions. One of the conditions was that one of the lots (Lot 1 –

12 ha) was to be purchased by a neighbouring farmer and consolidated with land holdings to the north. This would have created a lot of approximately 62 ha in size.

The Commission considered the revised proposal to consolidate the 12 ha lot with an adjacent 2 ha property instead, creating a 14 ha lot rather than a 62 ha lot. The applicant requested that the Commission consider this consolidation as meeting the intent of Resolution # 70/2007.

The Commission recalled that it had allowed the creation of the six lots on the understanding that the consolidation of the cleared and cultivated portion of the property with the larger property to the north provided a compensating benefit to agriculture. It did not believe that the consolidation of this area with the much smaller property to the west provided the same benefit.

However, the Commission was also informed that at this time the applicant was only intent on pursuing a reduced subdivision into three lots total, one of which would be sold to the neighbouring farmer and consolidated with the 2 ha property. As this subdivision would be largely separating ALR land from non-ALR land and that the farmer to the north would still be purchasing the cultivated land, the Commission believed that the proposed subdivision would not significantly impact the long term potential of the subject lands.

The Commission felt it was important to emphasize that by pursuing this course of action that the applicant is forfeiting his ability to subdivide the remainder into four lots in the future unless the ability to pursue the original consolidation is exercised. The Commission does acknowledge that the applicant would be able to make a new application in the future should he wish to pursue further subdivision at a later date. Submission of a new application would in no way guarantee a positive outcome.

IT WAS

MOVED BY: Commissioner Huffman

SECONDED BY: Commissioner Campbell

THAT the request for reconsideration be refused as proposed.

AND THAT the Commission agrees to the subdivision of the property into three lots subject to the consolidation of 12 ha with the 2 ha Block A.

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

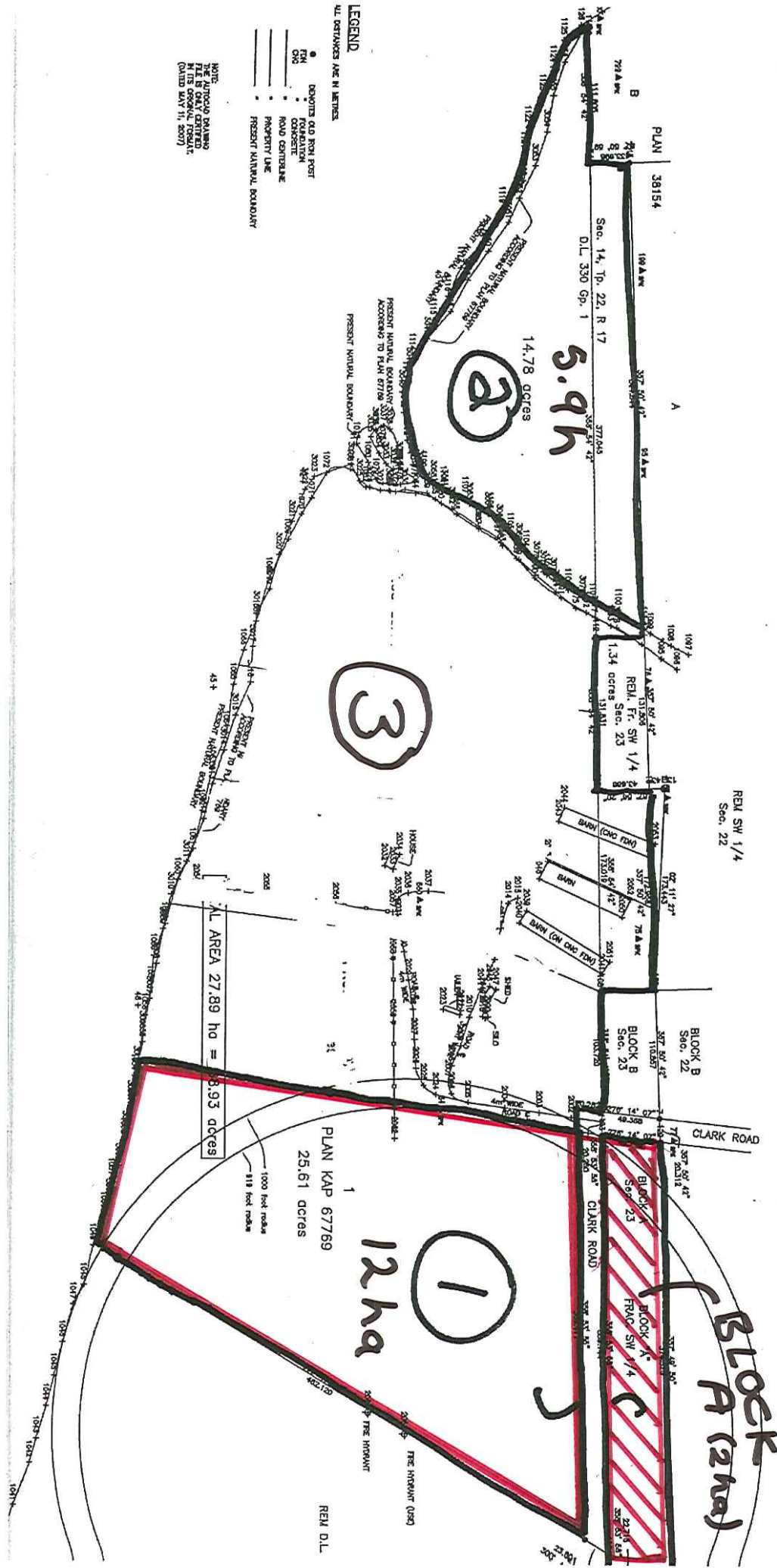
CARRIED

Resolution # 611/2007



Application # 22-37035 Resolution # 611/2007

SURVEY PL
DL 340, S
Sections 2,
KD YD, PLAN



ALL DISTANCES ARE IN METERS

LEGEND

- DEPOSIT OLD RAIN POST
- ROAD CENTERLINE
- ROAD CENTERLINE
- PROPERTY LINE
- PRESENT NATURAL BOUNDARY

NOTE: PRESENT NATURAL BOUNDARY IS THE RESULT OF A FIELD SURVEY CONDUCTED ON MAY 11, 2007.